

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CAROLYN FORREST,

Plaintiff,

-against-

UNIFUND FINANCIAL GROUP, INC., UNIFUND  
AMERICA, INC., RALPH SCOTT BARTER and  
MURIEL BARTER,

Defendants.

Case No. 04 CV 5151 (LTS)  
ECF Case

**NOTICE OF MOTION**

Upon the accompanying Declaration of Alfred Ferrer III, dated August 12, 2005, the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Complaint and for Other Relief, dated August 12, 2005, and all other filings and proceedings in this action, Defendants move for: (i) an order dismissing the Amended Complaint, dated May 25, 2005, pursuant to Fed. R. Civ. P. 9(b) and 12(b)6; (ii) to the extent the Court does not dismiss all claims in the Amended Complaint, an order pursuant to 9 U.S.C.A. §§ 3 and 4 staying this action and compelling arbitration of any remaining claims pursuant to the arbitration agreement entered into by plaintiff; and (iii) sanctions and attorneys fees and costs pursuant to Fed. R. Civ. P. 11.

Dated: New York, New York  
August 12, 2005

EATON & VAN WINKLE LLP



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